

Application No. 09/965,766
Reply dated August 4, 2003
Reply to Office Action dated May 13, 2003

Remarks

The Examiner maintained the rejection of claims 1 to 12 and 19 to 35 under 35 U.S.C. § 103(a) as allegedly unpatentable over Banholzer I or Banholzer II. In addition, the Examiner maintained the obviousness-type double patenting rejections of claims 1 to 12 and 19 to 35 over claims 1 to 14 of Banholzer I and claims 1 to 10 of Banholzer II.

In response, applicants traverse these rejections and herewith submit the executed Declaration of Michael Paul Pieper Under 37 C.F.R. § 1.132 (hereinafter "the Pieper Declaration") which establishes the surprising and unexpected superiority of the compounds of the claimed invention over the compounds of the references. Applicants also enclose a copy of the Declaration of Richard Ján Reichel under 37 C.F.R. § 1.132 (original filed in corresponding U.S. patent application Serial No. 09/976,950) which is referred to and relied on in the Pieper Declaration. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw the rejections.

Applicants respectfully submit that all the pending claims are allowable and therefore solicit a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Certificate of Mailing Under 37 C.F.R. § 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 4, 2003.

Timothy X. Witkowski

Timothy X. Witkowski
Registration No. 40,232

8-4-2003

Dated

Respectfully submitted,

Timothy X. Witkowski

Timothy X. Witkowski
Registration No. 40,232
Attorney for Applicants

BOEHRINGER INGELHEIM CORPORATION
Patent Department
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Telephone: (203) 798-4310
Facsimile: (203) 798-4408